

09-0-1233

(Do Not Write Above This Line)

AN ORDINANCE BY
COMMUNITY DEVELOPMENT AND
HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO AMEND
APPENDIX A OF THE CITY OF
ATLANTA LAND DEVELOPMENT
CODE; TO CREATE A NEW
SECTION TITLED SUSTAINABLE
BUILDING CODE; TO PROVIDE
FOR AN EFFECTIVE DATE AND
FOR OTHER PURPOSES.

Filed

DEC 07 2009

- ☒ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred 07/20/09

Referred To: CDHR

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee Date 7/14/09
Chair
Referred To

Committee Date 07/14/09
Chair

Date 7/28/09
Chair

Fav. Adv. Hold (see rev. side)
Action Other

Members

Committee Date 07/14/09
Chair

Date 12/11/09
Chair

Fav. Adv. Hold (see rev. side)
Action Other

Members (5)

Refer To

Committee Date 07/14/09
Chair

Date 11/16/09
Chair

Fav. Adv. Hold (see rev. side)
Action Other

Members (all to 1st)

Committee Date
Chair

Date
Chair

Fav. Adv. Hold (see rev. side)
Action Other

Members

Refer To

Refer To

CERTIFIED

DEC 07 2009

- FINAL COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☐ RC Vote

MAYOR'S ACTION

MAJ. CLERK

RCS# 3518
12/07/09
8:48 PM

Atlanta City Council

REGULAR SESSION

09-O-1233 AMEND APPENDIX A OF CITY LAND DEVELOP.
 CODE
 FILE

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	E Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

09-O-1233

failed, lack of a ^{second} **COUNCIL AMENDMENT FORM**

DATE **12/07/09**

PAGE#(S) _____

ORDINANCE# **09-O-1233**

SECTION(S) _____

RESOLUTION# _____

PARAGRAPH _____

Maddox's Amendment

In 2.2.2 remove:

For existing buildings, the ASBO will apply to all construction projects applying for building permits in the scope defined in 2.1 according the chapter-based phase-in schedule outlined in Table 2.3.

In 2.2.2 add:

For projects in existing buildings within the scope defined in 2.1 and that do not meet the criteria outlined in 2.2.1c), the Atlanta City Council will consider and pass financial incentives for projects subject to this section before any of the provisions in the chapter-based phase-in schedule outlined in Table 2.3 become mandatory.

COMMITTEE AMENDMENT FORM

DATE 12/01/2009

COMMITTEE CD/HR

ORDINANCE 09-O-1233

RESOLUTION#

PAGE#(S)

SECTION(S)

PARAGRAPH

NOTICE: Amendment #1 to #4 were approved by CD/HR Committee on 11/10/09 and Amendment #5 was approved on 12/1/09. All amendments (1-5) have been incorporated into the attached Ordinance.

AMENDMENT #5 APPROVED 12/01/2009

Amendment #5

Whereas in 2003, 74% of buildings in the South are less than 10,000 SF and the inventory of buildings this size have a disproportionate impact due to their high envelope to area proportion we propose the following.

Source: 2003 Commercial Buildings Energy Consumption Survey: Building Characteristics Tables. Energy Information Administration. Revised June 2006.

Amendment #3 is hereby repealed.

Add the following under section 2.1.2

- g) New commercial buildings of 1500 square feet or less or \$300,000 in cost of construction.
- h) Projects in existing buildings not exceeding either 5,000 square feet or \$250,000 in cost of construction.

Remove the following under section 2.4

Exception to 2.4.5: Projects having a total cost in excess of \$200,000 or a total square footage greater than 10,000 square feet and requiring compliance with Chapter 8 must be certified by a compliance reviewer.

Exception to 2.4.2-2.4.5: Projects whose total cost does not exceed \$200,000 or whose total square footage does not exceed 10,000 square feet must comply with the provisions of the Ordinance but are not required to comply with the certification requirements of Section 2.4.2-2.4.6.

Remove the following under section 2.5:

Exception to Section 2.5.2: Projects whose total cost does not exceed \$500,000 or 10,000 square feet must comply with the provisions of the Ordinance but are not required to comply with the compliance certification at certificate of occupancy requirements of section 2.5.2.

COMMITTEE AMENDMENT FORM

DATE 12/01/2009
COMMITTEE CD/HR
ORDINANCE 09-O-1233
RESOLUTION# _____

PAGE#(S) _____
SECTION(S) _____
PARAGRAPH _____

AMENDMENT #6 **ADVERSE 12/01/2009**
(1 NAY, MADDOX)
(1 ABSTENTION, WILLIS)

Amendment #6 (The amendment was adverse)

In 2.2.2 remove:

For existing buildings, the ASBO will apply to all construction projects applying for building permits in the scope defined in 2.1 according the chapter-based phase-in schedule outlined in Table 2.3.

In 2.2.2 add:

For projects in existing buildings within the scope defined in 2.1 and that do not meet the criteria outlined in 2.2.1c), the Atlanta City Council will consider and pass financial incentives for projects subject to this section before any of the provisions in the chapter-based phase-in schedule outlined in Table 2.3 become mandatory.

A SUBSTITUTE ORDINANCE AS AMENDED BY

COMMUNITY DEVELOPMENT AND HUMAN RESOURCES COMMITTEE

**AN ORDINANCE TO AMEND APPENDIX A OF THE CITY OF ATLANTA LAND
DEVELOPMENT CODE; TO CREATE A NEW SECTION TITLED SUSTAINABLE BUILDING
CODE; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

WHEREAS, the 300 billion square feet of buildings in the U.S. are the single largest contributor to global warming in the country; are responsible for 48 percent of all energy consumption and greenhouse gas emissions in the U.S. annually and 76 percent of all power plant generated electricity is used to operate buildings globally; and,

WHEREAS, buildings contribute 136 million tons of construction and demolition waste annually; and,

WHEREAS, on a global scale, buildings use three billion tons of the planet's raw materials; and,

WHEREAS, the U.S. alone is projected to need 1,300 to 1,900 new power plants over the next 20 years, amounting to approximately one per week; and,

WHEREAS, Green Building practices can significantly lower energy and water consumption in buildings and reduce the above-mentioned negative impacts of buildings on the environment and the occupants of the buildings; and,

WHEREAS, buildings are large consumers of water resources and increasing efficiencies in buildings will ensure availability for future generations of Atlantans; and,

WHEREAS, Mayor Shirley Franklin identified environmental sustainability as a critical factor in making Atlanta a "best-in-class" city; and,

WHEREAS, Mayor Shirley Franklin adopted the U.S. Mayors Climate Protection Agreement committing the City to reduce its carbon footprint to 7 percent below 1990 levels by 2012, and the Architecture 2030 Challenge, targeting fossil fuel reductions for all new buildings, reducing incrementally until achieving carbon neutrality by 2030; and,

WHEREAS, the City of Atlanta adopted an Ordinance on December 9, 2003, whereby all city financed projects will be LEED Silver Certified; and

WHEREAS, the City of Atlanta established a green building task force in the summer of 2008 with the leading professional associations of the building industry to develop recommendations with the goal of advancing public policies and programs that encourage or require private sector green building practices, and to help meet the state implementation plan (SIP) for the Atlanta region; and,

WHEREAS, the Sustainable Atlanta Initiative developed strategies and policy recommendations through partnerships and collaboration with Atlanta's business, non-profit, academic, community and government leadership through a green building task force in developing such a green building policy, and program and standards for private development in Atlanta; and,

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WHEREAS, this ordinance will improve building codes in the categories of site development, water use efficiency, energy, indoor environmental quality, the building's impact on the atmosphere, materials, and resources, and construction and operations; and

WHEREAS, the long term vision for the program is for Atlanta to be carbon neutral by 2030 and for it to be the greenest city in the U.S.

WHEREAS: The City of Atlanta Department of Watershed Management undertakes periodic Rate Structure Analyses with stakeholder participation and rates for commercial buildings with efficient water use should be reviewed during the next Rate Structure Analysis.

WHEREAS: The City of Atlanta Department of Planning and Community Development is analyzing Impact Fees and such analysis should establish different rates for projects with less impact where it is legal.

WHEREAS: Amendments 1-5 have been incorporated into this version of the Atlanta Sustainable Building Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Section 1. That Appendix "A", Building Code Amendments, be amended to create a new section titled Sustainable Building Code for All Construction Except Low Rise Residential to read as attached hereto.

Section 2. That the effective date of the Sustainable Building Code for All Construction Except Low Rise Residential shall be the first day of the fiscal year following the adoption of this ordinance.

Section 3. That the new Council in 2010 shall have the opportunity to evaluate the financial condition of the City and shall review and consider financial incentives related to the implementation of Atlanta Sustainable Building Ordinance if the City has the financial capacity.

Section 4. That any ordinance or parts thereof in conflict with this ordinance are waived to the extent of the conflict.